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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,300	08/11/2000	Yaron Lederman	6727/0H530	8591

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Darby & Darby PC
805 Third Avenue
New York, NY 10022

EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

12

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/637,300

Applicant(s)

LEDERMAN ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 and 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7 and 9.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
2. Claims 1-4, 6-15 and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (USP 6636505) in view of Chari (USP 6058445).

Regarding claims 1-3, 6-14 and 17-26, Wang discloses (Figs 1-14 and col. 1, lines 14 to col. 26, lines 64) an apparatus comprising DSLAM (Fig 4, Ref 90 is DSLAM and 110 are CPEs) such end switch for notifying the status and configuration information from a MIB to CPE for specified network connection of a subscriber comprising ATM, ILMI trap message such VCC, VPC (Fig 7, Col. 7, lines 43-53 and col. 8, lines 42-53). However, Wang fails to disclose a step of sending a trap message to CPE which sending a request for the changed value in MIB, receiving the changed values from end switch and updating the MIB of CPE for the specified

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network connection. In the same field of endeavor, Chari discloses (Figs 1-10 and col. 1, lines 40 to col. 98, lines 30) sending a trap message from a network end switch client premises equipment (CPE) over a network connection, informing the CPE of a change network management information base (MIB) of the end switch (Fig 2, SNMP agent 210 transmits a trap message to client when its MIB values has been changed; See col. 91, lines 4-30); receiving request from the CPE to the end switch, subsequent the trap message, read all information in the MIB (Fig 2, Ref 208 generates a request for a value of MIB for transmitting to SNMP agent 210 after receiving a trap message, Col. 90, lines 34-56); providing the all information from end switch to CPE responsive to the request (Col. 90, lines 34-56 and Col. 91, lines 5-30); and determining the change have been implemented by the CPE based on the request to read the information, wherein the CPE replaces old information recorded in a user the CPE with the information provided from the end switch; the information with the provided information substantially entirety, without parsing the information for changes; sending the trap message comprises sending multiple trap messages regarding multiple changes in the MIB, and wherein receiving the request comprises receiving multiple read requests from the CPE read the information from the MIB, each such read request subsequent a respective one of the trap messages, and wherein determining the change have been implemented comprises verifying, responsive to requests, that the changes have been implemented without the CPE having polled the end switch for further trap messages; (Col. 90, lines 34-56 and Col. 91, lines 5-30, the trap message is generated when a new value is stored in the MIB; therefore, client does not need to poll the SNMP agent 212).

Since, Wang suggests the use SNMP protocol in ILMI for notifying the status and configuration information in MIB to the CPE. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to implement a method of generating a trap for notifying the client the information if MIB has been changing to allow the CPE generates a request for the changed information for updating its MIB as disclosed by Chari into Wang. The motivation would have been to prevent a customer accessing a failed VCC or VPC.

Regarding claims 4 and 15, Wang and Chari do not disclose the claimed invention. However, the examiner takes an official notice that a method and advantage for waiting for predetermined period time for receiving a request from CPE; if the request is not received within the predetermined period, re-sending the trap message are well known in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to implement a method of retransmitting the packet if an ack is not receiving within a period of time into the method and system of Wang and Chari in order to prevent data loss.

Allowable Subject Matter

3. Claims 5 and 16 are allowed.

Response to Arguments

4. Applicant's arguments filed 6/14/04 have been fully considered but they are not persuasive.

In response to page 9, the applicant states that Chari fails to disclose a method and system for read and sending all information of the specified network connection. In reply, Chari discloses a method and system for retrieving the MIB variables from the server to client by only one routine (reads on retrieving all information from MIB of server for transmitting to the client in order to update MIB of the client system; see col. 91, lines 19-30). Wang discloses a method and system for notifying the status and configuration information for an ATM device such as VPC, VCC, ATM layer, network address and service location to the client (See col. 8, lines 42-53, col. 9, lines 35-60 and col. 10, lines 67, the MIB table is sent to the CPE based on a request of the client in order to allow client controlling the network connection).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Wang discloses a method and system for allowing the service provider to automatic configuration the client CPE by using ILMI protocol to get all information about the network connection from MIB). Chari discloses a routine for retrieving all information of a device from MIB (reads on retrieving all information from MIB of server for transmitting to the client in order to update MIB of the client system; see col. 91, lines 19-30 and col. 8, lines 42-53, col. 9, lines 35-60 and col. 10, lines 67, the MIB table is sent to the CPE based on a request of the client

in order to allow client controlling the network connection). The motivation would have been to reduce overhead and prevent the client to access a failed VCC or VPC.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Steven HD Nguyen
Primary Examiner
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8/17/04